

★ JUN 17 2010 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

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ERRAY VANBUCKLEY, ET AL,

09CV03083(ERK)(MDG)

Plaintiff,

-against-

THE CITY OF NEW YORK, ET. AL.,

**STIPULATION OF
SETTLEMENT AND
ORDER OF DISMISSAL**

Defendants.
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WHEREAS, plaintiffs ERRAY, EBU AND EUSI VANBUCKLEY commenced this action by filing a complaint on or about July 17, 2009 alleging that their federal civil and common law rights were violated; and

WHEREAS, defendants The City of New York, Jennifer Lavelle, Patrick Ryan, Ronald Reynolds, Edwin Galan and Michael White deny any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the plaintiffs and defendants now desire to resolve the issues raised in this litigation between them, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, without costs, expenses, or attorneys' fees in excess of the amount specified in paragraph "2" below.

2. Defendant The City of New York hereby agrees to pay plaintiffs ERRAY VANBUCKLEY, EBU VANBUCKLEY AND EUSI VANBUCKLEY the total sum of THIRTY

FIVE THOUSAND DOLLARS (\$35,000.00), of which \$15,000 is to be paid to ERRAY VANBUCKLEY, \$12,500 is to be paid to EBU VANBUCKLEY, and \$7,500 is to be paid to EUSI VANBUCKLEY, in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiffs agrees to the dismissal of all the claims against defendants and to release defendants, and all past and present officials, employees, representatives or agents of The City of New York or any agency thereof, from any and all liability, claims, or rights of action, which were or could have been alleged by plaintiffs in said action, including all claims for attorneys' fees, expenses and costs.

3. Plaintiffs ERRAY VANBUCKLEY, EBU VANBUCKLEY and EUSI VANBUCKLEY shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraph "2" above and Plaintiff's Affidavits of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or The City of New York or any other rules, regulations or bylaws of any department or subdivision of The City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of The City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
May 17, 2010

Paul Hale, Esq.
Attorney for Plaintiffs
26 Court Street, Suite 1901
Brooklyn, NY 11242

By: _____

Paul Hale

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City of New York
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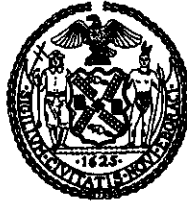
By: _____

Barry Myrvold

SO ORDERED:

s/Edward R. Korman
Hon. Edward R. Korman, U.S.D.J.

6/12/10



MICHAEL A. CARDOZO
Corporation Counsel

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June 10, 2010

By ECF

COURTESY COPY-ORIGINAL FILED BY ECF

Honorable Edward R. Korman
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Erray Vanbuckley, et al. v. The City of New York, et al.
CV 09-3083 (ERK)(MDG)

Your Honor:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants The City of New York Jennifer Lavelle, Patrick Ryan, Ronald Reynolds, Edwin Galan, and Michael White in the captioned action. Further to the settlement of the captioned action, enclosed please find a copy of the proposed Stipulation of Settlement and Order of Dismissal for the Court's endorsement.

Thank you for your time and attention to this matter.

Respectfully submitted,

s/

Barry Myrvold

cc: Paul Hale
Attorney for Plaintiff

By ECF